



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,012	07/25/2003	Mark Neria	178.01-P-USA	5189

30040 7590 03/10/2005
MICHAEL A. SHIPPEY, PH. D.
4848 LAKEVIEW AVENUE
SUITE B
YORBA LINDA, CA 92886

EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,012

Applicant(s)

NERIA, MARK

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Referring to claim 6, line 2, "latching pin" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3652

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Referring to line 1, claim 6 recites the limitation "means for securing said pole". As claim 6 depends from claim 4 which depends from claim 1, there is insufficient antecedent basis for this limitation in the claim.

Claim Objections

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Referring to claim 11, line 1, correction of the following is required: "the fork receivers". Applicant was likely referring to "a pair of rectangular tubes" which is what the examiner presumed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4-5, 8 & 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fowler (US 2,941,683).

7. With respect to claim 1, referring to FIGS. 1-6 Fowler discloses a device 11 comprising a pair of rectangular tubes 13, 14, vertical support plate 20, 28, a pole 11, 27

Art Unit: 3652

extending from a vertical support plate 20, 28, and a base plates 12. It is noted that McCracken discloses supporting rolls to be lifted a pole 11, 27 in a hanging manner.

8. With respect to claim 2, referring to FIGS. 1-6 Fowler discloses a device 11 further comprising side gussets 22, 22, 29, 29, 32, 32.

9. With respect to claim 4, referring to FIGS. 1-6 Fowler discloses a device 11 further comprising a support collar 29'.

10. With respect to claim 5, referring to FIGS. 1-6 Fowler discloses a device 11 further comprising means for replaceably removing a pole 11, 27.

11. With respect to claim 8, referring to FIGS. 1-6 Fowler discloses parallel tubes 13, 14 flush with device leading edge when pole removed.

12. With respect to claim 11, referring to FIGS. 1-6 Fowler discloses fork receivers 13, 14 extend outward from vertical support plate 20, 28 on the same side as a pole 11, 27.

13. With respect to claim 12, referring to FIGS. 1-6 Fowler discloses a device 11 in combination with a forklift 15, 16 to move rolled goods.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler (US 2,941,683) as applied to claim 1 above, and further in view of McCracken (US

Art Unit: 3652

3,050,206). Fowler '683 discloses a device 11 but does not disclose a locking device for locking a device to fork-lift forks. Referring to FIGS. 1-8 McCracken '206 discloses a device 20 further comprising locking devices 25, 26, 27, 28, 29, 30, 31 for securing locking tubes to a forklift truck forks 17 to prohibits the device 20 from longitudinally sliding off forklift truck forks 17. Col. 2, Ins. 25-39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fowler '683 to include a locking device, as per the teachings of McCracken, such that longitudinally sliding is prohibited.

16. Claims 6 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler (US 2,941,683) as applied to claim 1 above, and further in view of Harris (US 3,705,658) cited by applicant.

17. With respect to claim 6, Fowler does not disclose a latch pin as a means to secure a pole to a support collar. Referring to FIGS. 1-6 Harris '658 discloses a device 10 further comprising means for replaceably removing a pole 30, 34 which comprises a latching pin 30 securing a pole 18 to a support collar 30. Harris' 658 teaches that means for securing a pole allows a pole, and ultimately a device, to be removed such that the forklift truck may be used for other purposes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fowler '683 to include a latching pin, as per the teachings of Harris, such that a pole, and ultimately a device, may be removed and a forklift truck used for other purposes.

18. With respect to claim 10, Fowler does not disclose a inserting a pole into a roll with no length left hanging over. Referring to FIGS. 1-6 Harris '658 discloses a pole 18

Art Unit: 3652

length sufficient for standard commercial roll of rolled goods and no length is left hanging over the pole free end. Col. 1, Ins. 13-25. Harris '658 teaches that a properly dimensioned pole 18 presents substantial advantages in that it allows the carpet rolls to be easily moved into and out of narrow spaces such as truck beds where insufficient space is available to approach the carpet roll with a transport vehicle from the side. Col. 1, Ins. 13-25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Fowler '683 to include a properly dimensioned pole, as per the teachings of Harris '658, such that carpet rolls are easily moved into and out of narrow spaces such as truck beds where insufficient space is available to approach the carpet roll with a transport vehicle from the side.

19. With respect to claim 7, Fowler discloses tubes 13, 14 but does not disclose 28-inch long tubes. However, Fowler '683 teaches tubes 13, 14 dimensioned at any length depending on fork length 15, 16 of a standard forklift truck 17 such that a device for attaching to a forklift truck is adjustable in accordance with any fork dimensions and/or load size. Col. 1, Ins. 63-70; col. 1, Ins. 25-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specifically dimension 28 inch long tubes 13, 14, as per the teachings of Fowler, such that the device may fit any forklift truck and fork dimensions and/or load size.

20. With respect to claim 9, referring to FIGS. 1-6 Fowler discloses vertical support plate 20, 28 but does not disclose a 13 inches length. However, Fowler '683 teaches a vertical support plate 20, 28 of any length dimensioned for forks 15, 16 of a standard forklift truck 17 such that a device for attaching to a forklift truck is adjustable in

Art Unit: 3652

accordance with any fork dimensions and/or load size. Col. 1, Ins. 63-70; col. 1, Ins. 25-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to specifically dimension 13 inch long vertical support 20, 28, as per the teachings of Fowler, such that the device may fit any forklift truck and fork dimensions and/or load size.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 1,868,562 to Chubb et al.

US 2002/0021957 to Bouncuore

US 2,684,164 to Violette

US 3,387,728 to Bick et al.

US 4,212,478 to McGrath

US 6,685,420 to Moser et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600